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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)
(Georgetown and Millsboro,)
Delaware))

RM _____

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To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Great Scott Broadcasting ("Great Scott"), licensee of FM broadcast Station WZBH, Georgetown, Delaware, by its attorneys and pursuant to Section 1.401 of the Commission's rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, by substituting Channel 228B for Channel 228B1 and reallocating Channel 228B to Millsboro, Delaware as its first local transmission service.^{1/}

^{1/} Great Scott seeks modification of the license for WZBH pursuant to the provisions of Section 1.420(i) of the Commission's rules, which permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing applications. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC (continued...)

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As shown in the accompanying engineering statement, Channel 228B may be allotted to Millsboro, Delaware consistent with all pertinent Commission requirements.^{2/} Specifically, the proposal is in full accord with Commission separation requirements and would provide full principal community contour service over the proposed community of license.

Furthermore, the proposed allocation would result in a preferential arrangement of allotments in accordance with the Commission's policies regarding changes in community of license. See Modification Order at 4873. The proposed allotment would give the community of Millsboro its first local transmission service and therefore qualifies for an allotment priority.^{3/} See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (Commission 1982). Moreover, the allotment would not deprive the community of Georgetown of local service; Georgetown would

^{1/} (...continued)

Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) (the "Modification Order").

^{2/} It is requested that Channel 228B be allotted to Millsboro, Delaware at the reference coordinates of 38° 18' 53" North Latitude, 75° 13' 50" West Longitude. This site is approximately 31 kilometers south of Millsboro, Delaware.

^{3/} Millsboro, which is within Sussex County, has a 1990 U.S. Census population of 1,643 persons.

continue to receive local transmission service from Station WSSR(AM), licensed to Georgetown.^{4/} Finally, because Millsboro is not located within an urbanized area, the reallocation would not result in the transfer of the station from a rural to an urban area. These combined factors ensure that the proposed allocation would serve the public interest.


If the Commission grants Great Scott's petition for modification of the allocation for Station WZBH and channel substitution at Millsboro, Great Scott has a present intention to file an application specifying the operation of Station WZBH as a Class B facility at Millsboro, Delaware.

^{4/} Additionally, Georgetown would continue to receive 1.6 mV/m service from Station WZBH operating with improved facilities.

THEREFORE, for the reasons set forth above, a rule making proceeding should be instituted looking toward the amendment of Section 73.202(b) of the Commission's rules to substitute Channel 228B for Channel 228B1 and realLOT Channel 228B to Millsboro, Delaware.

Respectfully submitted,

GREAT SCOTT BROADCASTING

By: 
Dennis P. Corbett
Deborah R. Coleman

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, DC 20006-1809
(202) 429-8970

October 6, 1995

Its Attorneys

ENGINEERING STATEMENT
RE PETITION FOR RULE MAKING
TO AMEND FM TABLE OF ALLOTMENTS
TO ALLOT CHANNEL 228B (93.5 MHZ) TO
MILLSBORO DELAWARE AND
DELETE CHANNEL 228B1 AT GEORGETOWN, DELAWARE

OCTOBER 1995

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

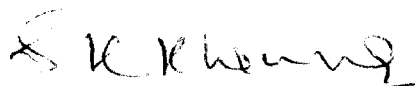
Sudhir K. Khanna, being duly sworn upon his oath, deposes and states:

That he is a graduate electrical engineer, a registered professional engineer in the District of Columbia, and is Secretary-Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

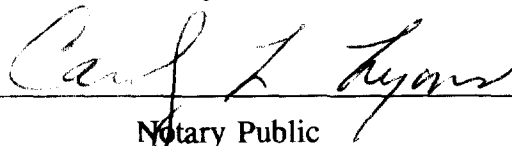
That the attached engineering report was prepared by him or under his supervision and direction; and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts, he believes them to be true.



Sudhir K. Khanna
District of Columbia
Professional Engineer
Registration No. 8057

Subscribed and sworn to before me this 5th day of October, 1995.


Notary Public

My Commission Expires:

2/28/98

This engineering statement has been prepared on behalf of Great Scott Broadcasting, licensee of FM radio station, WZBH, Georgetown, Delaware, in support of its petition for a rule-making to allot Channel 228B (93.5 MHZ) to Millsboro, Delaware by amending Section 73.202 of the Commission's Rules, Table of Allotments. The proposed allotment of Channel 228B to Millsboro, Delaware requires deletion of Channel 228B1 at Georgetown, Delaware. Therefore, Great Scott Broadcasting requests the Commission to reserve the higher power Channel 228B for FM station WZBH.

The following amendment to FM Table of Allotments is requested.

| <u>Community</u> | <u>FM Channel No.</u> | |
|----------------------|-----------------------|-----------------|
| | <u>Present</u> | <u>Proposed</u> |
| Millsboro, Delaware | ---- | 228B |
| Georgetown, Delaware | 228B1 | ---- |

Station WZBH(FM) currently operates on Channel 228B1 (93.5 MHZ) with 11 kW effective radiated power (ERP) and 148 meters antenna height above average terrain (HAAT), equivalent to the maximum class B1 facilities of 25 kW ERP and 100 meters HAAT. Great Scott Broadcasting will file an application to upgrade WZBH(FM) operation to higher power Channel 228B after its allotment to Millsboro, Delaware.

Millsboro, Delaware,¹ is located in Sussex County where the principal community (Georgetown) of station WZBH is located. At present there is no AM or FM radio station licensed to Millsboro, Delaware. No FM channel is available in the Table of Allotments of the Commission's Rules, Section 73.202, for a new FM station at Millsboro, Delaware. Therefore, the proposed allotment would provide a first local aural transmission service for the community of Millsboro, Delaware. In addition to FM station WZBH, WSSR, a 10 kilowatt AM station is also licensed to Georgetown, Delaware. As such deletion of Channel 228B1 would not deprive Georgetown, Delaware from a first local transmission service. Furthermore, station WZBH(FM) when operating on the higher power Channel 228B would still be providing FM service (1.6 mV/m signal level) to Georgetown, Delaware.

An FM allocation study shows Channel 228B can be allotted to Millsboro, Delaware, according to the Commission's minimum distance separation Rules (Section 73.207) and without deletion or substitution of any other existing assignment or allotment.

The attached map (Exhibit E-1) shows the minimum separation arcs from the pertinent FM stations for Channel 228B operation at Millsboro, Delaware, and the area where a fully-spaced antenna site for the proposed FM station can be located.

¹1990 population is 1,643 persons.

A reference antenna site within this area has been selected for illustrative purposes which meets the minimum distance separation requirements to all the existing and proposed stations and allotments. The geographic coordinates (NAD-27) of the reference site are as follows:

North Latitude: 38° 18' 53"

West Longitude: 75° 13' 50"

The reference site is located approximately 31 kilometers south of Millsboro, Delaware. The attached Table I provides the distance to the nearest FM station or allotment on Channel 228 and ± 3 channels of Channel 228. The Table indicates there are no existing or proposed FM stations or allotments, 53 and 54 channels removed from Channel 228, within 75 kilometers of the reference site. All distances were computed using the FCC listed geographic coordinates and are based on Section 73.208 of the Commission's Rules.

An FM operation, with 50 kW effective radiated power and 150 meters antenna height above average terrain, from the reference antenna site would provide 3.16 mV/m (70 dBu) service to all of Millsboro, Delaware, as required by Section 73.315(a) of the Commission's Rules. The computed 3.16 mV/m contour is shown on the attached Exhibit E-1 from the reference site in relation to Millsboro, Delaware.

Attached as Exhibit E-2 is a map showing the coverage comparison for the present Class B1 Georgetown operation and the potential Class B Millsboro operation. The contours shown are the 3.16 mV/m (70 dBu), 1 mV/m (60 dBu), 0.7 mV/m (57 dBu), and the 0.5 mV/m (54 dBu). Population (1990 census data) figures are shown on the map.

It has been demonstrated above that Channel 228B (93.5 MHZ) can be allotted to Millsboro, Delaware, according to the minimum distance separation requirements of Section 73.207 of the Commission's Rules, and there is a large area available south of the community for an antenna site. Accordingly, WZBH could under the new amended FM Rules request reclassification to a higher grade in accordance with the Commission's one-step upgrade policy were it not for the fact that WZBH is changing its community of license. Therefore, Great Scott Broadcasting requests the Commission to amend Section 73.202 of its Rules to allot Channel 228B to Millsboro and delete Channel 228B1 at Georgetown, Delaware. It is further requested the Commission reserve the higher power Channel 228B for FM station WZBH.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
FM ALLOCATION SITUATION
FOR THE PROPOSED FM ALLOTMENT
OF CHANNEL 228B TO MILLSBORO, DELAWARE
OCTOBER 1995

| <u>Channel</u> | <u>Call</u> | <u>City/State</u> | <u>Geographic Coordinates (NAD-27)</u> | <u>Distance</u> | |
|----------------|--------------------|--------------------|------------------------------------------------|----------------------|-----------------------|
| | | | | <u>Actual*</u> km | <u>Required</u> km |
| 228B | Ref. Site | Millsboro, DE | N 38°18'53" W 75°13'50" | -- | -- |
| 225A | None within 100 km | | -- | -- | 69 |
| 225B | None within 125 km | | -- | -- | 74 |
| 226A | WDOX(FM) Lic. | Wildwood Crest, PA | N 39°00'33" W 74°52'13" | 83 | 69 |
| 227B | WMMR(FM) Lic. | Philadelphia, PA | N 39°57'06" W 75°09'39" | 182 | 169 |
| 227B | WMMR(FM) CP | Philadelphia, PA | N 39°57'09" W 75°10'05" | 182 | 169 |
| 227B | WFLS-FM Lic. | | N 38°18'46" W 77°26'20" | 193 | 169 |
| 228B | None within 300 km | | -- | -- | 241 |
| 228A | WTPA(FM) Lic. | Mechanicsburg, PA | N 40°10'38" W 76°52'38" | 251 | 178 |
| 229B | WSTW(FM) Lic. | Wilmington, DE | N 39°48'57" W 75°31'51" | 169 | 169 |
| 229C1 | WKOC(FM) Lic. | Elizabeth City, NC | N 36°32'57" W 76°11'21" | 213 | 195 |
| 230B | None within 125 km | | -- | -- | 74 |
| 231B | None within 125 km | | -- | -- | 74 |
| 281B | None within 75 km | | -- | -- | 20 |
| 282B | None within 75 km | | -- | -- | 20 |

*Rounded to nearest kilometer pursuant
to Section 73.208 of FCC Rules.

MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY

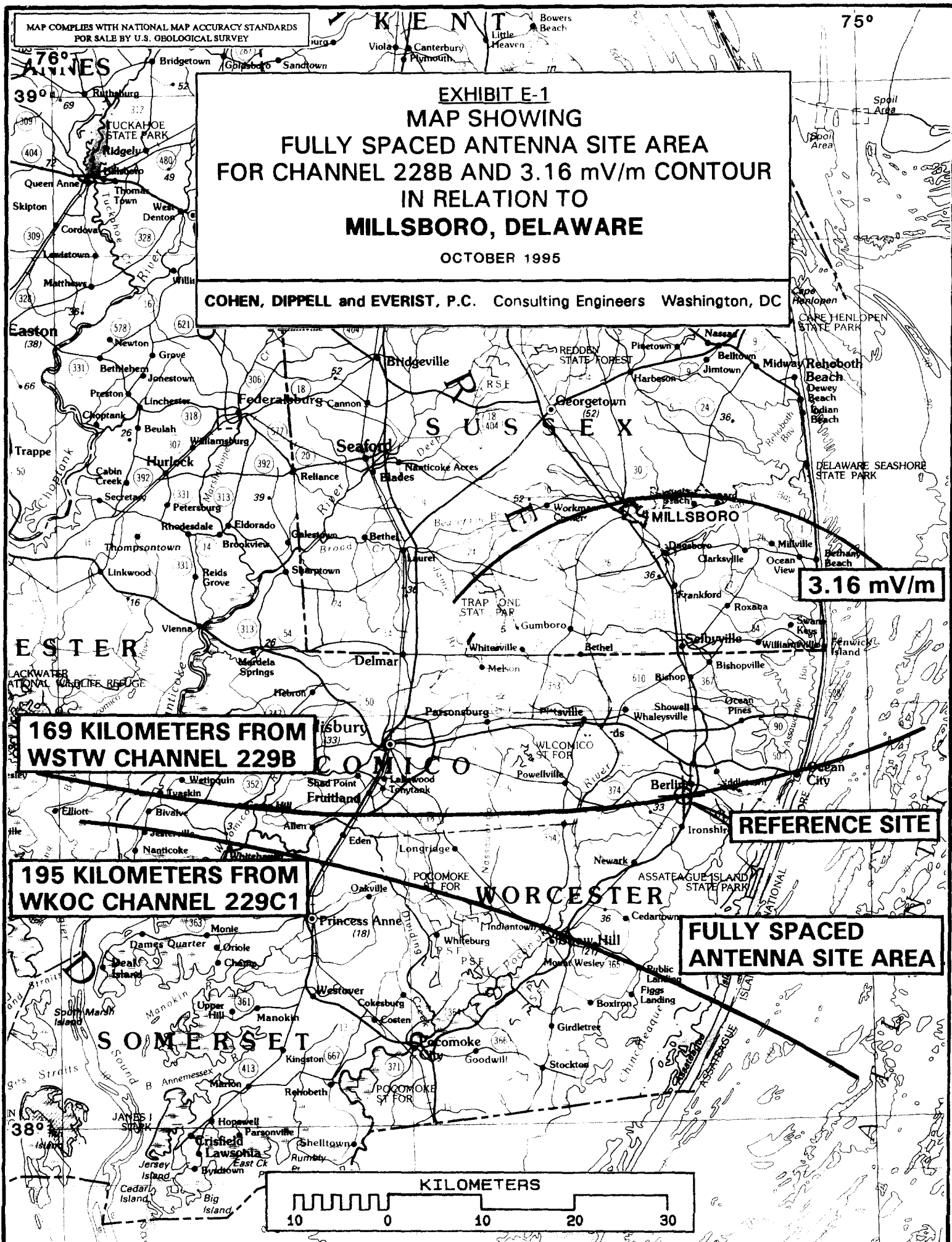
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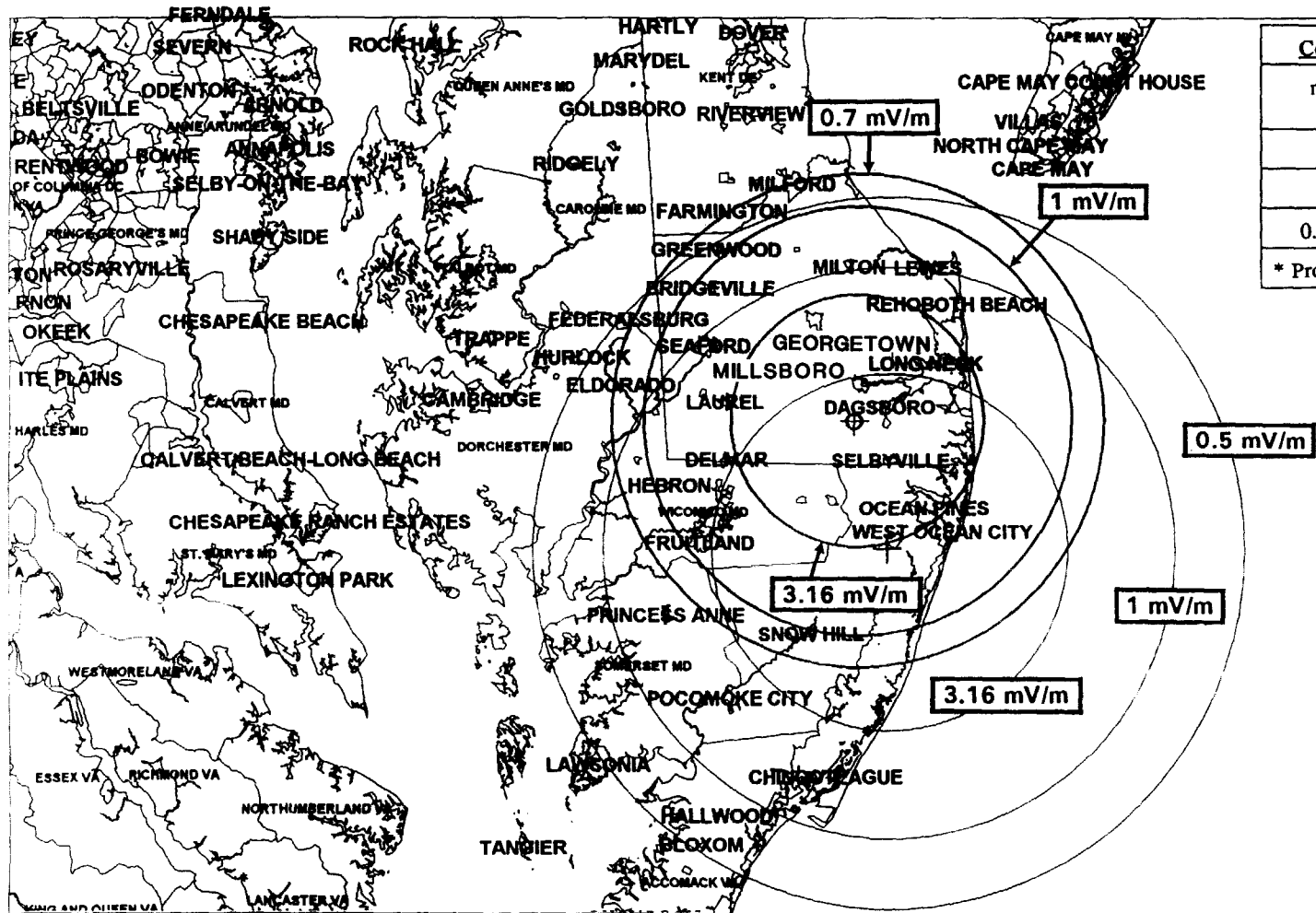
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EXHIBIT E-1
MAP SHOWING
FULLY SPACED ANTENNA SITE AREA
FOR CHANNEL 228B AND 3.16 mV/m CONTOUR
IN RELATION TO
MILLSBORO, DELAWARE

OCTOBER 1995

COHEN, DIPPELL and EVERIST, P.C. Consulting Engineers Washington, DC





| Contour mV/m | Population | | Gain |
|-----------------|---------------------|----------------------|--------|
| | Present Class B1 | Potential Class B | |
| 3.16 | 62,871 | 87,547 | 24,676 |
| 1.0 | 194,563 | 213,883 | 19,320 |
| 0.7/0.5* | 216,777 | 253,236 | 36,759 |

* Protected Contour For Class B1 and B, Respectively

EXHIBIT E-2
COMPUTED COVERAGE CONTOUR COMPARISON
FOR THE PRESENT CLASS B1 AND
POTENTIAL CLASS B OPERATIONS
WZBH, GEORGETOWN/MILLSBORO, DELAWARE
OCTOBER 1995

COHEN, DIPPELL and EVERIST, P.C. Consulting Engineers Washington, DC

Map Layers

— WZBH POTENTIAL CLASS B

— WZBH PRESENT CLASS B1

□ County

□ City

⊕ WZBH PRESENT SITE

+ WZBH REFERENCE SITE

0 10 20 30

Kilometers

ORIGINAL

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October 6, 1995

*ADMITTED MD ONLY
**ADMITTED NY & CT ONLY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: WZBH (FM)
Petition for Rule Making

Dear Mr. Caton:

On behalf of Great Scott Broadcasting, licensee of FM broadcast Station WZBH, Georgetown, Delaware, I am transmitting herewith an original and four copies of a Petition for Rule Making to amend Section 73.202(b), the FM Table of Allotments, by substituting Channel 228B for Channel 228B1 and reallocating Channel 228B to Millsboro, Delaware

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,


Dennis P. Corbett

DPC:drc
Enclosure